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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/939,752	08/28/2001	Masaki Komaki	024016-00014	3840
7590	10/15/2003			EXAMINER
ARENT FOX KINTNER PLOTKIN & KAHN, PLLC Suite 600 1050 Connecticut Avenue, N.W. Washington, DC 20036-5339			NGUYEN, JOSEPH H	
			ART UNIT	PAPER NUMBER
			2815	

DATE MAILED: 10/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/939,752	KOMAKI, MASAKI	
	<b>Examiner</b>	<b>Art Unit</b>	
	Joseph Nguyen	2815	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 21 August 2003.

2a) This action is FINAL.                  2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-21 and 23 is/are pending in the application.

4a) Of the above claim(s) 12-18 is/are withdrawn from consideration.

5) Claim(s) 21 is/are allowed.

6) Claim(s) 1-11, 19, 20 and 23 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 28 August 2001 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-11, 19-20, 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over figures 13 of acknowledged prior art (APA) in view of Fudanuki et al.

Regarding claim 1, (APA) discloses a fundamental cell used as a basic unit in the layout of a semiconductor integrated circuit device and being in a stage after metal wiring is formed comprising connector terminals 101 to be connected to upper wiring layers M2. (APA) does not disclose no fixed power supply wiring for commonly wiring between fundamental cells in a first metal wiring layer most adjacent to a pattern layer where fundamental cells being formed. However, Fudanuki et al discloses on figures 10A and 10B no fixed power supply wiring for commonly wiring between fundamental cells in a first metal wiring layer most adjacent to a pattern layer where fundamental cells being formed. In view of such teaching, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify (APA) by having no fixed power supply wiring for commonly wiring between fundamental cells in a first metal wiring layer most adjacent to a pattern layer where fundamental cells being formed for

the purpose of improving the density integration of the semiconductor device as taught by Fudanuki et al (col. 12, lines 30-40).

Regarding claims 2-7, (APA) and Fudanuki et al together disclose the structure set forth in claims 2-7.

Regarding claim 8, (APA) discloses substantially all the structure set forth in the claimed invention except no fixed power supply wiring for commonly wiring to be commonly wired between the basic units in a first metal wiring layer most adjacent to a pattern layer where fundamental cells being formed. However, Fudanuki et al discloses on figures 10A and 10B no fixed power supply wiring for commonly wiring to be commonly wired between the basic units in a first metal wiring layer most adjacent to a pattern layer where fundamental cells being formed. In view of such teaching, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify (APA) by having no fixed power supply wiring for commonly wiring to be commonly wired between the basic units in a first metal wiring layer most adjacent to a pattern layer where fundamental cells being formed for the purpose of improving the density integration of the semiconductor device as taught by Fudanuki et al (col. 12, lines 30-40).

Regarding claim 23, (APA) discloses substantially all the structure set forth in the claimed invention wirings excluding a fixed power supply wiring for commonly wiring between fundamental cells in the first metal layer. However, Fudanuki et al discloses on figures 10A and 10B wirings excluding a fixed power supply wiring for commonly wiring between fundamental cells in the first metal layer. In view of such teaching, it would

have been obvious to one of ordinary skill in the art at the time the invention was made to modify (APA) by having wirings excluding a fixed power supply wiring for commonly wiring between fundamental cells in the first metal layer for the purpose of improving the density integration of the semiconductor device as taught by Fudanuki et al (col. 12, lines 30-40).

Regarding claims 9-11, 19 and 20, (APA) and Fudanuki et al together disclose the structure set forth in claims 9-11, 19 and 20.

***Allowable Subject Matter***

Claim 21 is allowed.

***Response to Arguments***

Applicant's arguments filed on 8/21/2003 have been fully considered but they are not persuasive.

With respect to claims 1, 8 and 23, applicant argues that Fudanuki does not disclose no fixed power supply wiring for commonly wiring between fundamental cells or basic units in a metal wiring layer most adjacent to a pattern layer. However, Fudanuki clearly discloses on figures 10A and 10B that no fixed power supply wiring for commonly wiring between fundamental cells or basic units in a metal wiring layer most adjacent to a pattern layer (col. 12, lines 27-40). It is clear that Fudanuki discloses no fixed wiring in a hierarchy where fundamental cells are formed. Also, there is no disclosure of so-called fixed wirings anywhere in Fudanuki thereto. As such, with a

strong motivation provided by Fudanuki, the combination of figure 13 of (APA) and Fundanuki would on the claimed invention.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Nguyen whose telephone number is (703) 308-1269. The examiner can normally be reached on Monday-Friday, 7:30 am- 4:30 pm

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eddie Lee can be reached on (703) 308-1690. The fax phone numbers for

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the organization where this application or proceeding is assigned is (703) 308-7382 for regular communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

JN

October 3, 2003



JEROME JACKSON  
PRIMARY EXAMINER